



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: (Confirmation No.: 6489
AKASHE, et al. ((Group Art Unit: 1761
Application No.: 10/696,284 (Examiner: Weir, Anthony J.
Filed: October 29, 2003 (Atty. Docket No.: 77017
For: METHOD OF PREPARATION OF HIGH QUALITY SOY CULTURED PRODUCTS

United States Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

SUBMISSION OF TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Sir:

Applicants request entry of the attached Terminal Disclaimer under 37 C.F.R. §1.321 relative to Assignee's copending U.S. Appln. No. 10/655,259.

The Commissioner is authorized to charge the \$130.00 fee required under 37 C.F.R. 1.20(d) for this Terminal Disclaimer to Deposit Account No. 06-1135, under our Order No. 77017/1410. A duplicate copy of this paper is enclosed. The Commissioner is authorized to charge any deficiency in payment or credit any overpayment in connection with this filing to Deposit Account No. 06-1135, under Order No. 77017/1410.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: September 29, 2005

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Applicants request entry of the attached Terminal Disclaimer under 37 C.F.R. §1.321 relative to Assignee's copending U.S. Appln. No. 10/655,478.

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In re Application of: AKASHE et al.

Application No.: 10/696,284

Filed: October 29, 2003

For: METHOD OF PREPARATION OF HIGH QUALITY SOY CULTURED PRODUCTS

The owner*, Kraft Foods Holdings, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/655,478, filed on September 4, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. The undersigned is an attorney or agent of record. Reg. No. 34,108

Ramon R. Hoch

Signature

September 29, 2005

Date

09/30/2005 SZEWDIE1 00000037 061135 10696284

Ramon R. Hoch
Typed or printed name

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(312) 577-7000

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- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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